

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) KIMIESHA HILL,)
(2) JASON GARNETT, and)
(3) KIARA McCORKLE, on behalf of)
themselves and all others similarly situated,)

Plaintiffs,)

vs.)

Case No. CIV-21-97-SLP

(1) TOWN OF VALLEY BROOK,)
(2) VALLEY BROOK MUNICIPAL COURT,)
(3) LEWIS NIEMAN, Mayor of Valley Brook,)
in his official capacity,)
(4) STEPHEN HAYNES, Municipal Judge,)
in his official and individual capacity,)
(4) MICHAEL STAMP, Chief of Valley Brook)
Police Department, in his official capacity, and)
(5) VALLEY BROOK POLICE)
DEPARTMENT,)

Defendants.)

**DEFENDANTS, TOWN OF VALLEY BROOK, LEWIS NIEMAN, STEPHEN
HAYNES AND MICHAEL STAMP’S, RESPONSE TO PLAINTIFFS’
SUPPLEMENTAL BRIEF IN SUPPORT OF THEIR MOTION TO COMPEL
DEFENDANTS TO PRODUCE DOCUMENTS**

Defendants, Town of Valley Brook (the “Town”), Lewis Nieman, Stephen Haynes, and Michael Stamp (collectively, the “Defendants”), for their response to Plaintiffs’ Supplemental Brief in Support of their Motion to Compel¹ Defendants to Produce Documents (Dkt. No. 77) (the “Supplement”). Contrary to Plaintiffs’ representation that “little progress” has been made, Defendants have produced over 9,000

¹ Plaintiffs’ Motion to Compel Defendant to Produce Documents (Dkt. No. 50) is referred to herein as the “Motion.”

pages of documents to Plaintiffs. In addition, Defendants have made available to Plaintiffs five years of municipal court records. Defendants have produced documents and continue to produce additional documents as requested.

Ticket Jackets. Plaintiffs requested a number of documents related to the potential class members, including, ticket citations, payment information, and court outcome of court proceedings - this information is contained within a “ticket jacket.” The “ticket jacket” is a manila envelope that contains a number of documents, often stapled, related to a potential class member and their citation. By January 5, 2023, Defendants had produced 3,562 pages of “ticket jackets.”

On December 21, 2022, the parties discussed the production of the ticket jackets. On January 9, 2023, counsel for Defendants, along with a copying service, inspected the banker boxes containing the ticket jackets. Arrangements to copy the ticket jackets for the years 2019 – 2021 were made².

In January, Plaintiffs notified Defendants that the ticket jacket count for 2021 was small. Defendants advised that it believed ticket jackets for the years 2020 and 2021 would be smaller due to a decrease in citations related to the pandemic. Defendants believed that all responsive documents had been produced. However, after learning that the ticket jackets produced were related to charges outside of the Town’s jurisdiction, Defendants were able to locate 5 additional boxes of 2021 ticket jackets and produced them on March 17, 2023.

² Arrangements have not been made for the remaining years.

With regard to Plaintiffs' ticket jackets, Defendants have diligently searched for the original ticket jackets and have been unable to locate them. Plaintiffs' accusation that the ticket jackets were destroyed is unfounded and should be disregarded. It is believed that the original ticket jackets were misplaced after copies of Plaintiffs' ticket jackets were made. Defendants continue to search for the original ticket jackets and will provide the same if located.

Preservation of Evidence. The Town's police department utilizes the services of a third-party vendor, Lexipol, LLC, in creating and maintaining its policy and procedures manual. The manual is maintained on-line only through the vendor, and the Town only has access to the current version. It is believed that prior versions of the Town's manual are available from Lexipol and requests are being made for previous years.

Remaining documents. In addition to the documents previously discussed (Dkt. Nos. 56 & 58), Defendants have produced copies of the following:

- (1) Court dockets, with hand-written notes, for the 5-year period in question;
- (2) Daily Reports for the years 2018, 2019, and 2020;
- (3) List of approved Bail Bondsmen;
- (4) The Town's Police Policy Manual;
- (5) The agreement with the towing company;
- (6) Police narrative reports for the named Plaintiffs;
- (7) A copy of the ticket jackets for the named Plaintiffs;
- (8) Photographs of signage in the Town's courtroom; and

(9) Copies of pamphlets in the Town's courtroom.

As stated above, the ticket jackets are available for review and copying.

Plaintiffs insinuate that Defendants have failed to produce documents related to “electronic reports showing individuals on probation for the last five years.” Supplement, at * 4, fn 2. Defendants have not. Defendants indicated in the Joint Report (Dkt. No. 58) that they believed those documents were contained in boxes of documents received by counsel. Dkt. No. 58, ¶ 3, at * 5. However, copies of those reports were not included in the boxes. The ticket jackets contain information related to individuals who received a deferred sentence and have been made available.

Contrary to Plaintiffs' representations, Defendants have responded to Plaintiffs' requests for discovery and continue to investigate the availability of many of the documents and reports requested by Plaintiffs. Excluding the production of the ticket jackets, Defendants have responded to or supplemented their responses to Plaintiffs' voluminous discovery requests at least nine times and will continue to do so.

Respectfully submitted,

s/Courtney D. Powell

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CERTIFICATE OF SERVICE

I hereby certify that I electronically transmitted a copy of the above document to the following individuals on the 22nd day of March, 2023.

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